

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

JOSHUA CHATWIN, )  
PLAINTIFF, ) CASE NO.  
VS. ) 2:14-cv-00375  
DRAPER CITY; OFFICER J. PATTERSON, )  
IN HIS INDIVIDUAL AND OFFICIAL )  
CAPACITY; OFFICER DAVID HARRIS, IN )  
HIS INDIVIDUAL AND OFFICIAL )  
CAPACITY; OFFICER HEATHER BAUGH, IN )  
HER INDIVIDUAL AND OFFICIAL )  
CAPACITY; AND JOHN DOES 1-10. )  
DEFENDANTS. )  
\_\_\_\_\_  
)

Videotaped Deposition of Trevor Petersen

Taken: July 13, 2016

Reported by: Linda J. Smurthwaite, RDR

*Intermountain Court Reporters*  
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1 and adequate procedures designed to ensure the safety of  
2 the officers and the arrestee?

3 A. Correct.

4 Q. So I want to now focus in on your opinions  
5 that you gave. You state that 'he did not take the  
6 proper safety precautions.'

7 MS. MARCY: Where are you, Blake?

8 MR. HAMILTON: Page four of 15, under your  
9 opinions. Do you see where I'm reading?

10 A. Yes, sir.

11 Q. Again, so your first opinion, as I understand  
12 it, is that Officer Patterson did not take the proper  
13 safety precautions. Is that fair to say, that's your  
14 first opinion you list in that paragraph?

15 A. That is correct.

16 Q. Okay. What methodology did you use to come  
17 to the conclusion that he didn't use the proper safety  
18 precautions?

19 MS. MARCY: Objection, form.

20 THE WITNESS: After reading through the reports,  
21 with there being multiple officers on scene, also as  
22 Officer Patterson describes, the intoxication level of  
23 Mr. Chatwin at the point of where they were on the grassy  
24 surface, where they first initially took him into  
25 custody, where they could have taken the safety

1       precautions to perform the search of Mr. Chatwin's person  
2       at that point, where both Officer Harris and Officer  
3       Patterson were present while they were taking him into  
4       custody. And also using two officers to escort Mr.  
5       Chatwin to the police truck, or to where they were going  
6       to place him in the vehicle for transport.

7           Q.     So, really what you're saying, is that you  
8       think it was improper for them not to have done the  
9       search of Mr. Chatwin on the grass?

10          MS. MARCY: Objection, form.

11          THE WITNESS: It's an option for them to do it on  
12       that position where they took him initially into custody,  
13       while they had two officers present, and to also take  
14       that precaution to where they say that Mr. Chatwin was  
15       under such a highly intoxicated level to where they could  
16       have used two officers to escort him to the vehicle,  
17       because as he describes, that officer -- or Mr. Chatwin  
18       is unable to stand because of his highly intoxicated  
19       level.

20          Q.     Okay. Well, sir, is it your opinion that Mr.  
21       Chatwin wasn't intoxicated on that day?

22          A.     I wasn't there that day, so I can't determine  
23       the level of his intoxication. The opinions and what I'm  
24       basing off of, are the facts in this case which include  
25       the depositions, reports, and witness statements.

1 A. Yes, sir.

2 Q. But I'm trying to understand your methodology  
3 to reach that opinion. Did you just look at those facts  
4 and that led to the opinion, or did you use your  
5 experience? How did your experience play into  
6 formulating that opinion? Can you explain that to me?

7 MS. MARCY: Objection, form.

8 THE WITNESS: Training and experience, sir.

9 BY MR. HAMILTON:

10 Q. How did your training and experience help you  
11 formulate that opinion?

12 A. My experience of dealing with multiple  
13 individuals, taking multiple individuals into custody,  
14 whether it was an intoxicated level under the influence  
15 of drugs or other narcotics. Excited delirium. Also  
16 evaluating these types of incidents with the Weber County  
17 use of force committee for several years, and evaluating  
18 officers' use of force. As well as anything from arrest  
19 control tactics to using lethal force, using impact  
20 weapons, using chemical munitions, using different types  
21 of techniques and tactics to use to take somebody into  
22 custody.

23 Q. What was the standards, at that time that the  
24 incident took place, regarding safety and how to take  
25 someone that was intoxicated into custody safely? What

1           Q.     Okay.  Going back to Exhibit Number 3.  Maybe  
2 this will help us with all of your opinions, because you  
3 have a section in your report talking about methodology.  
4 Page seven.  Do you see the section there called  
5 Methodology?

6           A.     Yes, sir.

7           Q.     You say 'The methodology used in coming to my  
8 opinions is standard methodology used by someone with my  
9 training and experience in evaluating the force used in  
10 an arrest, is the methodology generally accepted by my  
11 peers in the law enforcement community, and is in  
12 accordance with the standard recognized proper law  
13 enforcement procedures used by police departments,  
14 domestic and international, to determine whether an  
15 arrest was made with force, under the circumstances.'

16           A.     Yes, sir.

17           Q.     Where did you get that language, first of  
18 all?

19           A.     I believe that I drafted it myself.

20           Q.     So, this is something you just came up with  
21 yourself?

22           A.     I believe so.

23           Q.     Okay.  And so, I'm going to look at this long  
24 sentence and kind of break it down so I can understand  
25 better your methodology.  What is the standard

1 methodology used by police practices experts?

2 A. Well, it's based on my training and  
3 experience.

4 Q. So you think police practice experts just use  
5 their training and experience?

6 A. Well, the training that has been given to me  
7 has been certified or accredited through Police Officer  
8 Standards and Training, or at the time Weber County  
9 Sheriff's office was a CALEA accredited law enforcement  
10 agency, which is a nationally recognized accreditation  
11 nationally, who comes in and actually evaluates our SOPs,  
12 our standard practices, and evaluates and makes sure that  
13 Weber County Sheriff's office was to the national  
14 standard.

15 Q. But you're specifically saying this is the  
16 standard methodology used by someone with my training and  
17 experience, right?

18 A. Correct.

19 Q. How did you get that understanding? Did you  
20 talk to other people that have been police practice  
21 experts?

22 A. I would assume that the CALEA accreditation  
23 holds you to a national standard, holds you to a level to  
24 where it's nationally recognized and accepted throughout  
25 the nation.

1 MS. MARCY: Objection, form.

2 THE WITNESS: Not only that, but as well as my POST  
3 training here in Utah, as well as the training that is  
4 provided by the state department.

5 BY MR. HAMILTON:

6 Q. Do you specifically recall POST providing  
7 training on how a use-of-force review board should be set  
8 up?

9 A. No.

10 Q. Or how a department should review  
11 use-of-force incidents?

12 A. No.

13 Q. And again, you don't know whether CALEA  
14 actually looks at how a department looks at use of force  
15 or reviews use of force incidents, correct?

16 A. No, I do not.

17 Q. So when you say this, you really are just  
18 saying that you believe you used the same methodology you  
19 used when you sat on the use-of-force review board for  
20 Weber County for two years?

21 MS. MARCY: Objection, form.

22 THE WITNESS: Could you please repeat the question.

23 BY MR. HAMILTON:

24 Q. When you make the statement about methodology  
25 here, the long sentence about methodology, what you are

1 saying is, I use the same methodology in this case, the  
2 Chatwin case, that I did when I reviewed use-of-force  
3 incidents during my two-year period in Weber County,  
4 that's why I believe the methodology is correct?

5 A. Yes, sir.

6 MS. MARCY: Objection, form.

7 BY MR. HAMILTON:

8 Q. You continue on there in that sentence with  
9 regard to methodology and say, 'that the standard is the  
10 recognized proper standard for international  
11 departments'; do you see that?

12 A. Un-huh.

13 Q. How do you know that?

14 A. Because it's the CALEA standard. I'm not  
15 sure if they're just domestic here in the United States,  
16 or if other national or nations use CALEA also. But  
17 basing my use of force on the things that are being  
18 taught. So with my training, it doesn't necessarily have  
19 to do with evaluating use of force. It has to do with  
20 actually using use of force.

21 Q. You're making the statement though, here in  
22 this methodology section, that the methodology I use was  
23 the same methodology that international police  
24 departments use?

25 A. Un-huh.